

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

INA STEINER, DAVID STEINER, and
STEINER ASSOCIATES, LLC,

Plaintiffs,

v.

EBAY INC., *et al.*,

Defendants.

Civil Action No. 1:21-CV-11181-DPW

**MOTION FOR LEAVE TO FILE REPLY IN SUPPORT OF UNITED STATES’
MOTION FOR PROTECTIVE ORDER**

The United States hereby files this motion to permit it, pursuant to Local Rule 7.1(b)(3), to file a reply brief in support of its Motion for Protective Order (ECF No. 273, the “Motion”), not to exceed 10 pages, within 14 days of the Court’s order granting this motion. As grounds for this motion, the Government states as follows:

1. The Government filed its Statement of Interest and Motion for Protective Order on October 17, 2023. ECF No. 273.
2. On October 31, Plaintiffs filed their opposition to the Motion. ECF No. 280 (the “Opposition”).
3. In their Opposition, Plaintiffs raise several arguments and discuss numerous cases that were not addressed in the Government’s Motion. Plaintiffs also make factually inaccurate statements, including that “the information the Government seeks to protect was available on the public docket in Defendant Baugh and Harville’s criminal cases for 129 days, and available on this docket for 69 days.” Opposition at 2.
4. The Government seeks leave to file a reply memorandum of no more than 10 pages

to address and correct these points. The Government believes that the submission of the reply memorandum will aid the Court in resolving the motion.

5. On November 1, the Court granted Defendants' Motion for an Extension of Time to file their response to the Government's Motion for Protective Order, and those responses are now due November 7. ECF No. 281.

6. The Government conferred with counsel for Plaintiffs, who informed Government counsel that Plaintiffs oppose this Motion. Plaintiffs' counsel explained that the reason for their opposition was that filing a reply brief would delay the Court's consideration of the Motion and, in turn, delay discovery.

7. To the best of the Government's knowledge, Plaintiffs have never objected to any prior party requests to file reply briefs in this matter, including on thirteen separate occasions. *See* ECF Nos. 65 ¶ 3, 66 ¶ 3, 69 ¶ 3, 72 ¶ 3, 76 ¶ 3, 122 ¶ 8, 147 ¶ 7, 150 ¶ 6, 153 ¶ 6, 177 ¶ 7, 223 at 2, 224 ¶ 6, 225 at 3.

8. Plaintiffs' reasoning for opposing this Motion is unpersuasive. As explained in the Government's Motion, Plaintiffs never substantively engaged with the Government regarding this Motion or the proposed protective order to which it relates, or even provided their position on the Motion, for more than a month between September 11 and when the Government filed the Motion on October 17. Motion at 15. If Plaintiffs had done so, the Government's briefing could have directly addressed Plaintiffs' arguments, which may have obviated the need for a reply. At a minimum, it would have allowed the Government to file its Motion earlier rather than continuing to wait for Plaintiffs to respond. The first the Government ever heard from Plaintiffs regarding their views on the Motion for a protective order was on October 31, when Plaintiffs filed their Opposition. That Opposition explained that Plaintiffs' counsel was in trial through October 5, but

it did not explain why, if the urgency of the Court's consideration of this Motion was Plaintiffs' concern, Plaintiffs' counsel did not respond for the nearly two weeks thereafter.

WHEREFORE, the United States respectfully requests the Court grant this Motion and permit it to file a reply brief in support of its protective order, not to exceed 10 pages, within 14 days of the Court's order granting this motion.

Dated: November 3, 2023

Respectfully submitted,

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/s/ Christopher D. Edelman
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